

1 Draft Committee Print
2 Committee of the Whole
3 December 4, 2012
4

5 A BILL
6

7 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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10 To amend the State Board of Education Establishment Act to provide to provide the State Board
11 of Education with personnel authority over its staff and responsibility for administrating
12 its budget; to amend the Ombudsman for Public Education Act of 2007 to provide that
13 the Ombudsman of Education be appointed by the State Board of Education to serve a
14 five year term.
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16 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
17 act may be cited as the “State Board of Education Personnel Authority Amendment Act of
18 2012”.

19 Sec. 2. Section 403(d) of the State Board of Education Establishment Act of 2007,
20 effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(d)), is amended to read
21 as follows:

22 “(d)(1) The Board shall, by order, specify its organizational structure, staff, operations,
23 reimbursement of expenses policy, and other matters affecting the Board’s functions.

24 “(2) The Board shall appoint staff members who shall serve at the pleasure of the
25 Board, to perform administrative functions and any other functions necessary to execute the
26 mission of the Board.

27 “(3) Beginning in Fiscal Year 2013, the Board shall prepare and submit to the
28 Mayor, for inclusion in the annual budget of the District of Columbia under part D of Title IV of
29 the Home Rule Act of the year, annual estimates of the expenditures and appropriations

1 necessary for the operation of the Board for the year. All such estimates shall be forwarded by
2 the Mayor to the Council for its action pursuant to sections 446 and 603(c) of the Home Rule
3 Act, in addition to the Mayor's recommendations.

4 “(4) The Board shall be reflected in the budget and financial system as an agency-
5 level entity. All assets, staff, and unexpended appropriations of the Office of the State
6 Superintendent of Education or any other agency, which are associated with the Board shall be
7 transferred to the Board by April 1, 2013.”.

8 Sec. 3. The District of Columbia Government Comprehensive Merit
9 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official 2 Code § 1-
10 601.01 et seq.), is amended as follows:

11 (a) Section 406(b) (D.C. Official Code § 1-604.06(b)) is amended as follows:

12 (1) Strike the word “and” at the end of the paragraph (20).

13 (2) Strike the period at the end of paragraph (21) and insert the phrase “; and” in
14 its place.

15 (3) A new paragraph (22) is added to read as follows:

16 “(22) For employees of the District of Columbia State Board of Education, the
17 personnel authority is the District of Columbia State Board of Education.”.

18 (b) Section 903(a) (D.C. Official Code § 1-609.03(a)) is amended as follows:

19 (1) Strike the word “and” at the end of the paragraph (9).

20 (2) A new paragraph (9A) is added to read as follows:

21 “(9A) The District of Columbia State Board of Education may appoint no more
22 than 3 persons; and”.

1 Sec. 5. The Ombudsman for Public Education Act of 2007, effective June 12, 2007(D.C.
2 Law 17-9; D.C. Official Code § 38-351 *et seq.*) is amended as follows:

3 (a) Section 602(D.C. Official Code § 38-351) is amended to read as follows:

4 “(a) (1) There is established within the State Board of Education an Office of
5 Ombudsman for Public Education (“Office of Ombudsman”), which shall be headed by
6 the Ombudsman appointed by the State Board of Education.

7 “(2) The Ombudsman shall serve for a term of 5 years, and may be
8 reappointed.

9 “(3) The Ombudsman shall be a district resident within 180 days of
10 appointment.

11 “(b) The Ombudsman may be removed only for cause, after notice and an
12 opportunity to be heard, that relates to the Ombudsman’s character or efficiency by a
13 majority vote of the State Board of Education.

14 “(c) If a vacancy in the position of Ombudsman occurs as a consequence of
15 resignation, disability, death, or other reasons other than the expiration of the term, the
16 State Board of Education shall appoint an ombudsman to fill the unexpired term same as
17 the manner as provided in subsection (a) within 75 days after the occurrence of the
18 vacancy.”.

19 (b) Section 604(a)(D.C. Official Code § 38-353(a)) is amended as follows:

20 (1) Paragraph (12) is amended to read as follows:

21 “(12) Submit to the Deputy Mayor for Public Education, the
22 Council, the Mayor, State Board of Education, Office of the State Superintendent of
23 Education, District of Columbia Public Schools, Public Charter School Board, and the

1 University of the District of Columbia on December 15th and May 15th, an analysis of the
2 preceding month within that semester, including complaint and resolution data; ”.

3 (2) Paragraph (15) is amended as follows:

4 (A) Strike the number “90” and insert the number “45”.

5 (B) Strike the phrase “Deputy Mayor for Education” and insert the
6 phrase “Deputy Mayor for Education, the Council, the State Board of Education, which
7 shall be posted on their website,” in its place.

8 (c) Section 605(D.C. Official Code § 38-354) is amended by adding a new
9 paragraph (5A) to read as follows:

10 “(5A) Bring persons together to resolve conflicts that are not in formal
11 legal or administrative proceedings.”.

12 (d) Section 606(a) (D.C. Official Code § 38-355(a)) is amended as follows:

13 (1) Paragraph (4) is amended by striking the word “or”.

14 (2) A new paragraph (4A) is added to read as follows:

15 “(4A) Examine or investigate any matter that would be under the jurisdiction of the District of
16 Columbia Office of the Inspector General or Office of the District of Columbia Auditor.”.

17 Sec. 6. Appropriations.

18 Section 5 of this act is subject to inclusion in the financial plan and budget or subject to
19 appropriations.

20 Sec. 7. Fiscal impact statement.

21 The Council adopts the fiscal impact statement in the committee report as the fiscal
22 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
23 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

1 Sec. 8. Effective date.

2 This act shall take effect following approval by the Mayor (or in the event of veto by the
3 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
4 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
5 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
6 Columbia Register.